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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,608	02/25/2004	Bror Fries	185P1US11	2821
23322	7590	04/06/2007		
IPLM GROUP, P.A. POST OFFICE BOX 18455 MINNEAPOLIS, MN 55418			EXAMINER KYLE, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3677	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/06/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/786,608

**Applicant(s)**

FRIES, BROR

**Examiner**

Michael J. Kyle

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 13-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-8, 10 and 13-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 34, 35, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Killingstad (U.S. Patent No. 4,825,507). Killingstad discloses an adjustable door hinge device comprising a first hinge flap (2) fixable with screws to a member and a second hinge flap (1) attachable to a door leaf, each flap being of the single piece type, flat member portions of which in a closed of the door assembly are facing each other in a recess of the door frame. An adjustable screw body (5) is adjustably fastened to a vertical member for abutment with part of a rear face of the flat face portion (of 2) of the first hinge flap. A fastening screw (13) is configured to extend through a hole in the flat member (see figures 5 and 6) of the first flap (2) and engages a threaded axial hole in the adjustably screw body (5) and abuts a front face of the first flap (2). Through holes in the first hinge flap (2; see figure 2) are provided for receiving screw members, which in cooperation with the adjustable screw body and the fastening screw (13) configured to attach the first hinge flap to the door member. It is noted that all references to the door and door frame are considered to be intended use recitations of the hinge, to which the claim is limited. In the prior art, the hinge is capable of being used in the intended manner. The fastening screw (13) and screw body (5), along with screw members, provide for angular

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adjustment and fixing of the first flap (2) relative to an adjacent portion of the door member, facing a rear side of the flap and in cooperation with a tilting location (left end point of flap 2).

3. With respect to claim 35, Killingstad discloses the tilting location (left end of 2) is at a rear end of the first hinge flap (2) adjacent to the screw members and in cooperation with an adjacent locating member (3).

4. With respect to claim 38, Killingstad discloses the tilting location is at a rear end of the first hinge flap (left side of 2) adjacent to the screw members and in cooperation with an adjacent recessed locating portion (recess in 3) on a door member.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killingstad in view of Wigfall (U.S. Patent No. 3,965,532). Killingstad fails to disclose the second flap to be releasably fitted into an insertion fitting. Wigfall teaches a hinge assembly with first (1) and second (2) flaps. The second flap (2) is releasably snappable (at 18) into an insertion fitting (9, 10) affixed to a member of the door assembly. This arrangement provides for speedy uniting of the device (column 1, lines 10-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Killingstad such that the second flap is snappably fitted into an insertion fitting, to allow for quick assembly.

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7. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Killingstad in view of Wigfall as applied to claim 36 above, and further in view of Rock et al ("Rock", U.S. Patent No. 5,611,113). Killingstad and Wigfall fail to disclose the insertion fitting to have a height adjustment member. Rock teaches a hinge arrangement including a height adjustment member (8) which allows for adjustment to ensure desired fitting of the hinge relative to the door. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Killingstad and Wigfall to include a height adjustment member to ensure desired fitting of the hinge relative to the door assembly.

#### ***Response to Arguments***

8. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection. The rejections are now based on patents to Killingstad, Wigfall, and Rock. It is further noted that the claimed references to the door frame and door are considered to be intended use recitations, as the claim appears to be limited to the hinge itself. This is further supported by the repeated claim terminology that elements of the hinge are "configured to" function in a claimed way relative to door assembly units. As long as the prior art hinge is capable of being used in the claimed manner, then it meets the intended use limitation claimed.

#### ***Conclusion***

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following reference is cited to further show the state of the art with respect to adjustable hinges: Salice.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mk

**Katherine Mitchell**  
**Primary Examiner**

